GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA

UNSTARRED QUESTION NO:400
ANSWERED ON:01.12.2015
Environmental Damage Authority
Gaikwad Dr. Sunil Baliram;Gupta Shri Sudheer;Kirtikar Shri Gajanan Chandrakant;Singh Shri Kunwar Haribansh;Vanaroja Smt. R.

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether the Government proposes to establish a new adjudicatory authority to determine the extent of environmental damage likely to be caused by any project in the country;
(b) if so, the details and proposed functions of the said authority along with the time by which it is likely to be set up;
(c) the necessity for such authority when there is National Green Tribunal to deal with such matters;
(d) whether the proposed move will lead to curtailing the power of National Green Tribunal and also lead to lengthy green clearance chain; and
(e) if so, the details thereof?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI PRAKASH JAVADEKAR)

(a) (b) & (c) The Ministry of Environment, Forest and Climate Change has proposed an amendment in Environment (Protection) Act, 1986 and National Green Tribunal Act, 2010 through Environment Laws (Amendment) Bill , 2015 to introduce a provision of civil penalty for damage to environment, adjudication of penalties and levying of fee. The adjudicating authority
proposed is part of the draft Bill, which would adjudicate and impose penalty relating to violation of provisions of this Act or the rules or the orders or directions made or issued thereunder, in respect of projects or activities or operation or process falling under their respective jurisdictions.

(d) & (e) The proposed amendment provides that any person aggrieved by the order of adjudicating authority may prefer an appeal within a period of ninety days from the date of receipt of the order imposing penalty, to the National Green Tribunal. The National Green Tribunal shall therefore be a higher forum than the adjudicatory authority.

****